



**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
SPARTANBURG DIVISION**

EDWARD T. DRUMMOND,
Plaintiff,

vs.

DEPUTY COLE N, DEPUTY DUDRIC R,
DEPUTY MIRONEN K, and K 9 UNIT BOSS
MOORE,
Defendants.

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Civil Action 7:23-cv-01257-MGL

**ORDER ADOPTING THE REPORT AND RECOMMENDATION
AND DISMISSING ACTION WITHOUT PREJUDICE**

Plaintiff Edward T. Drummond (Drummond) filed this civil rights action against the above-named Defendants. Drummond is self-represented.

The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting the Court dismiss this action without prejudice under Federal Rule of Civil Procedure 41(b) because mail sent to Drummond has been returned as undeliverable. The Report was made in accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to the Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which a specific objection is made, and the Court

may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on May 3, 2023. The Clerk's Office sent the Report to his address of record as well as another address mentioned in the complaint. Drummond failed to file any objections. As before, the Court's mailings to his address of record were returned as undeliverable. On May 23, 2023, the Magistrate Judge provided Drummond a final opportunity to update his address, which was sent to his secondary address. Drummond again neglected to respond in the time allowed.

"[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee's note). Moreover, a failure to object waives appellate review. *Wright v. Collins*, 766 F.2d 841, 845–46 (4th Cir. 1985).

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court adopts the Report and incorporates it herein. Therefore, it is the judgment of the Court this action is **DISMISSED WITHOUT PREJUDICE**.

IT IS SO ORDERED.

Signed this 12th day of June 2023, in Columbia, South Carolina.

s/ Mary Geiger Lewis
MARY GEIGER LEWIS
UNITED STATES DISTRICT JUDGE

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this Order within thirty days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.